

# **TENNESSEE ALCOHOLIC BEVERAGE COMMISSION**

**Minutes  
May 24, 2007  
1:30 p.m.**

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The regular meeting of the Tennessee Alcoholic Beverage Commission was held on Thursday, May 24, 2007 in Nashville, Tennessee at 1:00 p.m. Chairman John Jones, Commissioner Cynthia Bond and Commissioner Harlan Mathews were present. Executive Director Danielle Elks, Assistant Director Carolyn Smith and CLEO Mark Hutchens were present.

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**1. The Minutes for April 19, 2007 Commission Meeting were approved.**

**2. RETAIL PACKAGE STORES**

**A. OLD BUSINESS**

**1. HARVEST TOWN WINE AND SPIRITS (2)  
KNOXVILLE, TENNESSEE (KNOX COUNTY)**

**Licensee: Two G's, Inc.  
Stockholders: Chris Gettlefinger and Frances Gettelfinger  
New Stockholder: Steven Gettlefinger**

Before the Commission is a request to transfer stock between assumed stockholder Chris Gettlefinger and new stockholder, Steven Gettlefinger. Steven Gettlefinger desires to purchase Chris's 80% of Two G's, for \$400,000. If approved, Steven Gettlefinger would own 80% of Two G's, Inc., and Frances Gettelfinger would own 20%.

**Discussion/Action Taken:**

Director Elks requested that this matter be continued to the April Commission meeting. Director Elks stated that notwithstanding what is on the agenda, there are documents that are still needed on the transfer. Chairman Jones made a motion to continue to the April Commission meeting. Commissioner Mathews seconded the motion and it passed with 3 ayes. **(At the March 15, 2007 Commission meeting, the Commission approved the stock transfer from Nancy Gettlefinger to Chris Gettlefinger.)**

Documentation requested from Steven:

- a. Bill of Sale;
- b. Newspaper notice;
- c. Certificate of compliance;
- d. Financial background check—including bank check.

**May 17, 2007:** All documentation has been submitted as requested with the exception of the following:

- A. List of resulting stockholders and percentage of ownership.

**Discussion/Action Taken:**

Director Elks reviewed the application to the Commission and recommended approval. Chairman Jones made a motion to approve. Commissioner Mathews seconded the motion, and it passed with 3 ayes.

**B. NEW BUSINESS**

**1. BILL'S LIQUOR STORE  
FAYETTEVILLE, TENNESSEE (LINCOLN COUNTY)**

**Seller/Licensee: Estate of Jeffrey Campbell, Alicia Campbell, Executrix**  
**Buyer/Applicant: Alicia Campbell-Mitchell**

Before the Commission is a request to transfer ownership from a partnership to a sole proprietorship for the retail store located at 714 Lewisburg Highway in Fayetteville, Tennessee. Mr. and Mrs. Campbell held the license for this business; however, on June 3, 2005, Mr. Campbell passed away. While the estate was pending, the license was renewed in the name of the estate and Mrs. Campbell. Mr. Campbell's left everything to Mrs. Campbell, and Mrs. Campbell now makes application as a sole proprietorship. Mrs. Campbell-Mitchell is leasing the property from H. Parsons, Jr. Family Partnership, LLC for a three year period at \$350.00/month. All documentation has been provided with the exception of the following:

- a. Outstanding citations paid;
- b. Acknowledgement of the rules and regulations.

**Discussion/Action Taken:**

Director Elks reviewed the application to the Commission. Director Elks stated that the establishment has paid their citation and the staff has received the Acknowledgment of the rules and regulations, therefore, she

recommended approval. Commission Mathews made a motion to approve. Commissioner Bond seconded the motion, and it passed with 3 ayes.

**2. BOONES CREEK BEVERAGES  
JOHNSON CITY, TENNESSEE (WASHINGTON COUNTY)**

**Licensee: Boones Creek Beverages, Inc.**  
**Stockholder: Mickii and Douglas Carter**

Before the Commission is a request for a transfer of location from 4704 N. Roan #3 to 2913 Boones Creek Road, Suite 9, in Johnson City, Tennessee. The request is based upon the fact that the current lease expires on May 31, 2007. The new location is in the process of being completed. The licensee is leasing the property from Marco Enterprises for a term of one year for \$1458.35/month. All documentation has been submitted with the exception of the following:

- a. Use and occupancy permit;
- b. Signatures on lease.

**Discussion/Action Taken:**

Director Elks reviewed the application to the Commission. Director Elks recommended approval upon submission of the Use and Occupancy permit and the signatures on the lease. Chairman Jones made a motion to approve upon submission of the remaining documentation. Commissioner Bond seconded the motion and it passed with 3 ayes.

**3. LITTLE JOHN'S PACKAGE STORE  
KNOXVILLE, TENNESSEE (KNOXCOUNTY)**

**Seller/Licensee: John L. Roberts**  
**Applicant: Little John's Inc.**  
**Stockholders: Janet Roberts-Morgan and John Roberts**

Before the Commission is a request for a transfer of ownership for the retail license located at 1920 E. Magnolia Avenue, in Knoxville, Tennessee. Mr. John Roberts is the current licensee: he wishes to incorporate and add his daughter, Janet Roberts-Morgan, as a stockholder. If approved, Janet Roberts-Morgan would own 51%, and John Roberts would own 49%. The lease is held by Ruth Maples, and the term of the lease is for one year at \$518/month. All documentation has been submitted with the exception of the following:

- a. TABC inspection;
- b. Document showing transfer to daughter;
- c. Questionnaire for John Roberts;
- d. Acknowledgement of the rules/regulations.

**Discussion/Action Taken:**

Director Elks reviewed the application to the Commission. Director Elks recommended approval upon submission of the following documentation:

- a. TABC inspection;
- b. Document showing transfer to daughter;
- c. Questionnaire for John Roberts;
- d. Acknowledgement of the rules/regulations.

Chairman Jones made a motion to approve upon submission of the remaining documentation. Commissioner Bond seconded the motion and it passed with 3 ayes.

**4. SMOKY MOUNTAIN WINE AND SPIRITS, LLC  
KNOXVILLE, TENNESSEE (KNOX COUNTY)**

**Seller/Licensee:** Smoky Mountain Wine & Spirits, LLC  
**Member:** Jill Gettlefinger  
**Applicant/Buyer:** Smoky Mountain Wine & Spirits, LLC  
**Member:** Everett Christen

Before the Commission is a request for a transfer of ownership of the retail store to be located at 7433 Chapman Highway, in Knoxville, Tennessee. Ms. Jill Gettlefinger is the sole member of the LLC licensee. She wishes to sell her 100% of her membership interest to Everett Christen for \$720,000. Financing is based upon a loan with Sevier County Bank for \$240,000, and a promissory note with Jill Gettlefinger for \$480,000. All documentation has been submitted with the exception of the following:

- a. TABC Inspection;
- b. Acknowledgement of the rules and regulations;
- d. Bill of Sale;
- e. Promissory Note with Jill Gettlefinger; and
- f. Loan document from Sevier County Bank.

**Discussion/Action Taken:**

Everett Christen was present at the meeting. Director Elks reviewed the application to the Commission. Director Elks recommended approval upon submission of the following documentation:

- a. TABC Inspection;
- b. Acknowledgement of the rules and regulations;
- d. Bill of Sale;
- e. Promissory Note with Jill Gettlefinger; and
- f. Loan document from Sevier County Bank.

Chairman Jones made a motion to approve upon submission of the remaining documentation. Commissioner Bond seconded the motion and it passed with 3 ayes.

**5. THE WINERY OF GERMANTOWN  
GERMANTOWN, TENNESSEE (SHELBY COUNTY)**

**Seller/Licensee: Keith Keppen, Sr.**  
**Buyer/Applicant: Lacey Dougher**

Before the Commission is a request for a transfer of ownership of the retail store located at 7841 Farmington Avenue, in Germantown, Tennessee. Mr. Keppen is giving the business to his daughter, Lacey Dougher. Ms. Dougher is leasing the property from Mr. Keppen and his wife for a period of 3 years for approximately \$1407/month (\$15.00/sq.ft.). All documentation has been submitted.

**Discussion/Action Taken:**

Director Elks reviewed the application to the Commission. Director Elks recommended approval. Commissioner Bond made a motion to approve. Commissioner Mathews seconded the motion, and it passed with 3 ayes.

**3. WINERIES**

**A. SHADY GROVE SPIRITS  
CLINTON, TENNESSEE (ANDERSON COUNTY)**

**Licensee: Shady Grove Spirits, LLC**  
**Member: John Cosgrove, Charles Chase, and H.L. Jennings**

Before the Commission is a request for a transfer of the winery currently located at 180 Windsong Road in Clinton, Tennessee. The licensee requests approval to move to 709 Norris Freeway in Lake City, Tennessee, where the licensee has purchased property. All documentation has been submitted with the exception of the following:

- a. TABC Inspection;
- b. Approval from the Department of Agriculture;
- c. Use and Occupancy permit;
- d. Reason for transfer.

**Discussion/Action Taken:**

Director Elks reviewed the application to the Commission. Director Elks recommended approval upon submission of the following documentation:

- a. TABC Inspection;
- b. Approval from the Department of Agriculture;
- c. Use and Occupancy permit;
- d. Reason for transfer.

Chairman Jones made a motion to approve upon submission of the remaining documentation. Commissioner Bond seconded the motion, and it passed with 3 ayes.

**B. MORRIS VINEYARD AND TENNESSEE MOUNTAINVIEW WINERY  
CHARLESTON, TENNESSEE (BRADLEY COUNTY)**

**Applicant:** Morris Vineyard and Tennessee Mountainview Winery, LLC

**Members:** Eric and Carolyn Morris

Before the Commission is a request for a new winery to be located at 346 Union Grove Road in Charleston, Tennessee. Eric and Carolyn Morris intend to invest approximately \$218,300 in the winery, and if approved, operate the business as an LLC: each would have a 50% interest. Financing is based upon loans with Farm Credit of Mid America (home equity loan, real estate mortgage, and a line of credit.) Eric and Carolyn Morris are leasing the business to the LLC for \$3200/month. 18 acres of land are available to grow grapes. All documentation has been submitted.

**Discussion/Action Taken:**

Director Elks reviewed the application to the Commission. Director Elks recommended approval. Chairman Jones made a motion to approve. Commissioner Mathews seconded the motion, and it passed with 3 ayes.

**C. MONTEAGLE WINERY, LLC  
MONTEAGLE, TENNESSEE (GRUNDY COUNTY)**

**Applicant: Monteagle Winery, LLC**

**Members: Mike and Denise Nunley; Tony and Carolyn Johnston**

Before the Commission is a request for a new winery to be located 847 N. Main Street in Monteagle, Tennessee. (The applicant is actually purchasing the winery from Marlow Wine Cellars, Inc. for \$900,000; however, this winery has been inactive without a license for many years.) Mike and Denise Nunley and Tony and Carolyn Johnston intend to initially invest \$892,500, and operate the winery as a LLC. Each member will own 25%. Financing is based upon a loan with Coffee County Bank. All documentation has been submitted with the exception of the following:

- a. Loan Agreement;
- b. Use and Occupancy permit; and
- c. Approval from the Department of Agriculture.

**Discussion/Action Taken:**

Tony Johnston was present at the meeting. Mike and Denise Nunley were also present. Director Elks reviewed the application to the Commission. Director Elks recommended approval upon submission of the following documentation:

- a. Loan Agreement;
- b. Use and Occupancy permit; and
- c. Approval from the Department of Agriculture.

Commissioner Mathews made a motion to approve upon submission of the remaining documentation. Commissioner Bond seconded the motion, and it passed with 3 ayes.

**D. AMBER FALLS WINERY AND CELLARS  
HAMPSHIRE, TENNESSEE (LEWIS COUNTY)**

**Applicant: Amber Falls Winery and Cellars, LLC**

**Members: Timothy and Judy Zaunbrecher**

Before the Commission is a request for a new winery to be located at 794 Ridgetop Road in Hampshire, Tennessee. Timothy and Judy Zaunbrecher intend to initially invest \$300,000 in the winery, and if approved, operate the business as a LLC. Financing is based upon personal funds in the amount of \$200,000 and a loan from Bank of Lewis County in the amount of \$100,000. The applicant is leasing the property from Flat Branch Enterprises, LLC for a five year term at \$8000/month. (Flat Branch Enterprises, LLC is also owned by Timothy Zaunbrecher.). All documentation has been submitted with the exception of the following:

- a. TABC Inspection; and
- b. Acknowledgement of the rules and regulations.

**Discussion/Action Taken:**

Tim & Judy Zaunbrecher were present at the meeting. Director Elks reviewed the application to the Commission. Director Elks recommended approval upon submission of the TABC Inspection and the Acknowledgement of the Rules and Regulations. Commissioner Mathews made a motion to approve upon receipt of the TABC Inspection and the Acknowledgment of the Rules and Regulations. Commissioner Bond seconded the motion and it was approved with 3 ayes.

**4. PRIVATE CLUBS**

**DYERSBURG COUNTRY CLUB AT THE FARMS  
DYERSBURG, TENNESSEE (DYER COUNTY)**

The Farms Golf and Country Club, LLC d/b/a The Farms Golf and Country Club was originally licensed as a private club in 1999. There has been a change of ownership and the new owner, West Tennessee Golf, LLC is applying for a license with the d/b/a name Dyersburg Country Club at the Farms. All documentation has been submitted.

**Discussion/Action Taken:**

Assistant Director Smith reviewed the application to the Commission. Assistant Director Smith recommended approval. Commissioner Bond made a motion to approve. Commissioner Mathews seconded the motion, and it was approved with 3 ayes.



**5. ADMINISTRATIVE CITATIONS and CONTESTED CASES**

**A. DAVID NOEL**

On May 3, 2007, TABC staff denied a server permit application submitted by David Noel. Mr. Noel was convicted on February 13, 2003, of a Class B felony, possession of a Schedule I controlled substance with the intent to resell, and a Class A misdemeanor, possession of a Schedule I controlled substance. T.C.A. §57-3-704 prohibits the issuance of a sever permit for a period of 8 years from the date of the conviction when the conviction involves the sale of a Schedule I or II controlled substance. Mr. Noel has appealed the denial of his application.

**Discussion/Action Taken:**

David Noel was present at the meeting. Assistant Director Smith stated that David Noel submitted an application for a server permit that disclosed a felony conviction in February, 2003 for possession of a schedule I controlled substance with intent to resale. Thus, T.C.A. §57-3-705 requires an eight (8) year waiting period for the conviction. Assistant Director stated that he would be eligible for a server permit in 2011. David Noel has appealed the staff's denial of his server permit. David Noel testified that he was originally arrested when he was 19 years of age; however, he went to General Hearings Court for the same matter that was dismissed. The matter was then reopened and taken to Criminal Court. David Noel stated that it originally happened six (6) years ago. David Noel stated that he is in the process of getting his record expunged. Chairman Jones stated that once Mr. Noel has his record expunged, then this matter would be a non-issue with the Commission. Commissioner Mathews made a motion to defer the matter for ninety (90) days or to the August Commission meeting. Commissioner Bond seconded the motion, and it was approved with 3 ayes.

**6. SPECIAL OCCASION LICENSES**

**7. CONSUMER EDUCATION SEMINAR LICENSES**

- 8. PERSONNEL** - Certificates were signed by the Commissioner for two (2) certificates of service for Director Danielle Elks for 20 years of State service and for Debbie Roberts for 35 years of State service.

**9. BUDGET**

**10. CONSENT ORDERS**

**11. PENDING MATTERS LIST**

12. **MISCELLANEOUS** - Director Elks stated that the annual In-Service Training was held in Memphis in May 1 – 4, 2007. Director Elks stated that they had positive teamwork exercises. Director Elks stated that the Memphis District won the overall teamwork exercises for the second time. Director Elks stated that two Certificates of Merit were given to TABC agents: one to SA Josh Melton of the Chattanooga District on an investigation that he initiated where 24 defendants were involved. All were convicted of felonies and one may be given a life sentence because of the magnitude of the meth labs involved and the other was given to SA Jason Poore of the Knoxville district for his work with multiple agencies investigations resulting in new equipment that is being tested to help in the investigations of indoor grows.
13. **DATE OF NEXT MEETING** – June 21 and July 26, 2007 at 1:30 p.m.

There being no further business the meeting was adjourned.

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Shari Danielle Elks  
Executive Director

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John A. Jones  
Chairman